

# STATE OF NEW YORK

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203

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

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Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to requiring the replacement of certain rent stabilized housing accommodations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4 of chapter 274 of the laws of 1946, constituting  
2 the emergency housing rent control law, is amended by adding a new  
3 subdivision 2-c to read as follows:

4 2-c. Notwithstanding any provision of law to the contrary, where a  
5 housing accommodation subject to the provisions of this act is lost or  
6 destroyed due to fire, natural disaster, act of God, act of war or  
7 eminent domain, such housing accommodation shall be replaced in any  
8 succeeding construction on the same parcel. Such replacement housing  
9 accommodation shall be substantially similar to the lost housing accom-  
10 modation and shall be subject to the provisions of this act with a maxi-  
11 mum rent that is equal to the maximum rent of the lost housing accommo-  
12 dation.

13 § 2. Section 5 of section 4 of chapter 576 of the laws of 1974,  
14 constituting the emergency tenant protection act of nineteen seventy-  
15 four, is amended by adding a new subdivision g to read as follows:

16 g. Notwithstanding any provision of law to the contrary, where a hous-  
17 ing accommodation subject to the provisions of this act is lost or  
18 destroyed due to fire, natural disaster, act of God, act of war or  
19 eminent domain, such housing accommodation shall be replaced in any  
20 succeeding construction on the same parcel. Such replacement housing  
21 accommodation shall be substantially similar to the lost housing accom-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 modation and shall be subject to the provisions of this act with an  
2 initial maximum rent that is equal to the maximum rent of the lost hous-  
3 ing accommodation.

4 § 3. The administrative code of the city of New York is amended by  
5 adding a new section 26-418 to read as follows:

6 § 26-418 Replacement of certain housing accommodations. Notwithstand-  
7 ing any provision of law to the contrary, where a housing accommodation  
8 subject to the provisions of this chapter is lost or destroyed due to  
9 fire, natural disaster, act of God, act of war or eminent domain, such  
10 housing accommodation shall be replaced in any succeeding construction  
11 on the same parcel. Such replacement housing accommodation shall be  
12 substantially similar to the lost housing accommodation and shall be  
13 subject to the provisions of this chapter with an initial maximum rent  
14 that is equal to the maximum rent of the lost housing accommodation.

15 § 4. The administrative code of the city of New York is amended by  
16 adding a new section 26-512.1 to read as follows:

17 § 26-512.1 Replacement of certain housing accommodations. Notwith-  
18 standing any provision of law to the contrary, where a housing accommo-  
19 dation subject to the provisions of this chapter is lost due to fire,  
20 natural disaster, act of God, act of war or eminent domain, such housing  
21 accommodation shall be replaced in any succeeding construction on the  
22 same parcel. Such replacement housing accommodation shall be substan-  
23 tially similar to the lost housing accommodation and shall be subject to  
24 the provisions of this chapter with a maximum rent that is equal to the  
25 maximum rent of the lost housing accommodation.

26 § 5. This act shall take effect on the ninetieth day after it shall  
27 have become a law; provided that the amendments to the city rent and  
28 rehabilitation law made by section three of this act shall remain in  
29 full force and effect only as long as the public emergency requiring the  
30 regulation and control of residential rents and evictions continues, as  
31 provided in subdivision 3 of section 1 of the local emergency housing  
32 rent control act; and provided further, that the amendments to chapter 4  
33 of title 26 of the administrative code of the city of New York made by  
34 section four of this act shall expire on the same date as such law  
35 expires and shall not affect the expiration of such law as provided  
36 under section 26-520 of such law.